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Attorneys for Defendant

FILED
BILLINGS DIV.

2006 JAN 13 PM 1 44

PATRICK E. DUFFY, CLERK

BY _____
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MICHAEL ADRIAN LEE,

Defendant.

Cause No. CR 03-103-BLG-JDS-01

**MOTION TO RENEW
HOLDING SENTENCING
HEARING IN ABEYANCE;**

COMES NOW, the Defendant, by and through his attorneys of record, and pursuant to the Court's order for July 14, 2005, provides this motion to renew defendant's motion to hold the sentencing hearing in abeyance. Defendant files his status report simultaneously regarding defendant's pretrial diversion status.

Defendant filed his original motion to hold the sentencing hearing in abeyance on June 2, 2005. The Court granted said motion on July 14, 2005, and ordered that sentencing would be

1 held in abeyance until January 16, 2006 and instructed the parties to file a status report regarding
2 defendant's conduct on his pretrial diversion and stated that the "Defendant may also renew his
3 motion for abeyance at that time". (a copy of said ordered is attached as Exhibit 1 for the Court's
4 convenience). The Defendant, on behalf of all parties herein, moves the Court to continue to
5 hold the sentencing hearing in abeyance for a minimum of eighteen (18) months, pending
6 Defendant's performance of the terms and requirements of the pretrial diversion agreement.

7 The parties hereto shall continue tp file a status report with the Court every six (6) months
8 to advise the Court whether the deferral agreement is being complied with and whether the
9 matter should continue to be held in abeyance pending the completion terms of the pretrial
10 diversion agreement.

11 Said motion and status report has been agreed to by the United States attorney.

12 DATED this 13th day of January, 2006.

13
14 West Law Firm, P.C.
15 GW Building, Suite 400
16 2722 3rd Avenue North
17 Billings, MT 59101

18 By: 
19 Jock B. West

20 **CERTIFICATE OF SERVICE**

21 This is to certify that on this 13th day of January, 2006, a copy of the forgoing
22 documents was duly served by first class, postage prepaid, U.S. mail, upon the following:

23 William Mercer
24 U.S. Attorney's Office
25 P.O. Box 1478
26 Billings, MT 59103

By: 
For West Law Firm, P.C.

FILED
BILLINGS, MT
2005 JUL 14 PM 1 07
PATRICK E. WOODWARD
BY Cheri Anderson
CLERK

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF MONTANA

BILLINGS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

MICHAEL ADRIAN LEE,

Defendant.

Cause No. CR-03-103-BLG-JDS

ORDER

A hearing was held on the Defendant's unopposed Motion to hold sentencing in this case in abeyance pending his performance on pre-trial diversion. After consideration, IT IS HEREBY ORDERED that the Defendant's Motion (*Doc. #63*) is GRANTED.

IT IS FURTHER ORDERED that sentencing shall be held in abeyance in this case until January 16, 2006 at which time the Parties shall file a joint status report regarding his conduct on pre-trial diversion. Defendant may also renew his motion for abeyance at that time.

The Clerk of Court shall notify the Parties of the making of this Order.

DATED this 14th day of July, 2005.

CERTIFICATE OF MAILING

DATE: 7/14/05 BY: CA

I hereby certify that a copy of this order was mailed to:

Allen
B. Kohn
J. West
Wern
West

7-18-05
Copies to Clerk

CALENDAR BY: 7-18-05

Jack D. Shanstrom
JACK D. SHANSTROM
SENIOR U.S. DISTRICT JUDGE

EXHIBIT

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